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TAGS: [PTER](#) [PGOV](#) [KCRM](#) [UNSC](#) [LE](#) [SY](#)
SUBJECT: BRAMMERTZ SAYS HARIRI INVESTIGATION WILL TAKE
ANOTHER YEAR

REF: A. STATE 041410
[1](#)B. BEIRUT 712

Classified By: Ambassador John R. Bolton, for Reasons 1.4(b) and (d).

[1](#)1. (C) BEGIN SUMMARY: Ambassadors Bolton and Sanders met March 15 with Serge Brammertz, Commissioner of the International Independent Investigation Commission (UNIIIC). Brammertz issued his first UNIIIC interim report on March 14, met with other P-5 ambassadors March 15, and briefed the Security Council March 16 (septel). Brammertz described severe staffing shortages as the UNIIIC's main challenge and said the UNIIIC would not be ready for another year to present usable findings.

[1](#)2. (C) In response to U.S. questions, Brammertz also provided his views on Syrian cooperation, the sanctions mechanism provided by Resolution 1636 (2005), a possible tribunal, the Lebanese government's investigations into the attacks that occurred after Hariri's assassination, and Lebanon's institutional capacity. Brammertz stressed the need to see what actions Syria takes and said if Syria does not cooperate, he would seek Security Council action before June 2006. He also said it is premature for the UNIIIC to designate suspects for the Committee established pursuant to Resolution 1636 (2005) to sanction. Concerning a possible tribunal to try the suspects responsible for the Hariri assassination and its relationship to the UNIIIC, Brammertz expressed a preference for the UNIIIC to continue its investigation, taking into account the possibility of a future tribunal, and then provide its work to the tribunal once it is fully established. Brammertz also voiced concerns about the Lebanese government's capacity to investigate the attacks that occurred after Hariri's assassination and stressed the need for international assistance to strengthen Lebanon's institutions. END SUMMARY.

Cooperation from Syria

[1](#)3. (C) Acknowledging the UNIIIC's past problems with Syria, Brammertz described his contacts with and expectations for the Syrian government, acknowledging that Syria's actions will demonstrate whether it is willing to cooperate. He said he made clear to the Syrians that the UN Security Council's resolutions provide the legal framework for the UNIIIC's investigation, that the UNIIIC wants "transparent access" to potential witnesses (including the ability to interview all members of the Syrian government), and that the UNIIIC needs to conduct meetings where and when it requests them. Brammertz said the Syrians provided "positive signals" that they accept these conditions, but the next few weeks would show if Syria's agreement remained only "theoretical." If

Syria does not answer the detailed questions the UNIIIC has posed, for example, Brammertz said he would not wait until June 2006 to seek action from the Security Council.

¶4. (C) In response to a U.S. question, Brammertz said it is difficult to determine if the Syrians have changed their position substantively. He thought that by keeping a low media profile and adopting a "respectful" approach, the UNIIIC had made the Syrians "less nervous." The Syrians appeared happy to find a way out of a "difficult situation," he said. Ambassador Bolton observed that the Syrians appear to feel they are under less international pressure, while the Lebanese are expressing an increased level of concern, even though the reasons for these perceptions remains unclear.

UNIIIC's Human Resources Challenges

¶5. (C) Brammertz then described his current work, characterizing the lack of human resources as the UNIIIC's main challenge. Investigations remain the focus, but the UNIIIC is now providing legal guidance to ensure that the investigators collect all evidence appropriately and lawfully. The UNIIIC now has in-house experts and technicians who are working to prepare evidence for a trial, but Lebanon's volatile environment presents particular technical difficulties for these experts. For example, he said, the UNIIIC's experts have to "rebuild evidence from a technical perspective." Even though there are now 14 investigators, 20 posts remain vacant, making the investigation more challenging. Brammertz said he has sought help from Interpol, the UN's other ad hoc tribunals (e.g. the ICTY), and the Secretariat, but the difficulty of contacting directly law enforcement agencies that could contribute

personnel complicates his efforts to hire new staff. After Ambassador Bolton offered to follow up with Interpol Secretary General Ron Noble, Brammertz said Noble is

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personally "very supportive" but cannot compel states to contribute personnel.

¶6. (C) Uncertainty about whether the UNIIIC's mandate will be renewed also makes it difficult to address these human resource needs, he argued. In response, Ambassador Bolton said the United States would push the Council to extend the UNIIIC's mandate early to help insulate the UNIIIC's operations from the vagaries of the mandate cycle. To help prepare for such an early renewal, Ambassador Bolton asked Brammertz to provide the Security Council with information about projected resources needs by mid-April.

Disinterest in 1636 Sanctions

¶7. (C) In response to Ambassador Bolton's question, Brammertz said he thinks the way the sanctions mechanism established by resolution 1636 (2005) is used depends on the nature of any possible tribunal. If the tribunal has an international character, he doubted whether it would be appropriate for the 1636 Committee to designate names of individual suspects for sanctions before the tribunal is established. He thought it would be better for the UNIIIC to wait before providing the 1636 Committee with a list of names of suspects, suggesting that acting now might not assist the investigation. He also said he is not yet in a position to communicate a list of suspects to the 1636 Committee. Ambassador Bolton commented that if resolution 1636 was rewritten today, its sanctions mechanism might be oriented more effectively to focus on persons who are obstructing the UNIIIC's investigation as opposed to actual suspects.

¶8. (C) (Comment: The 1636 Committee adopted guidelines on March 8 and is ready to assist the investigation by imposing

a travel ban and financial restrictions on any individual suspected of involvement in Hariri's assassination, regardless of the character of any eventual tribunal. However, either UNIIIC or the Government of Lebanon must first forward names of suspects to the Committee for action. Former UNIIIC chief Detlev Mehliis also declined to exercise this option. USUN has worked closely with the UK, France, and Japan (Committee Chair) to remove potential obstacles and excuses, which could otherwise be used by delegations, especially China and Russia, to block action in the Committee. With the adoption of guidelines, the most significant pretext for inaction has been removed. End Comment.)

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Orienting the UNIIIC toward a Possible Tribunal
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¶9. (C) Ambassador Bolton also sought Brammertz's views on the preliminary proposals for a tribunal to prosecute the suspects in the Hariri assassination and the relationship between the UNIIIC and that tribunal. Brammertz expressed support for the establishment of an international tribunal and said he had spoken with the Lebanese Ministry of Justice. He voiced some doubt about proposals to establish a tribunal by June 2006, before the UNIIIC completes its work and "we know if we have a case to refer to a court." It will be one more year before the UNIIIC has "a product (a court) can use," he cautioned. Ambassador Bolton responded that establishing a tribunal while the investigation remains underway would show seriousness of purpose and signal international confidence in the UNIIIC's investigation. Clarifying that the UNIIIC's work would provide the basis for the prosecution could also persuade potentially recalcitrant witnesses to provide assistance. In response, Brammertz expressed a preference for the UNIIIC to continue its investigation, taking into account the possibility of a future tribunal. He said it would be more "logical" for the UNIIIC to continue its investigation and hand over its work to a full tribunal than to have a tribunal established in phases (beginning with the appointment of a prosecutor and then to a later stage in which judges are appointed).

¶10. (C) Brammertz emphasized that any special tribunal should try only the suspects responsible for the Hariri assassination -- not the suspects in the 14 other attacks since Hariri's assassination. He said staffing limitations constrain his ability to assist the Lebanese government's investigations of the 14 other cases, which he characterized as "extremely weak" and chaotic. Lebanon's chief problem is

its limited forensics capabilities, which are a century out of date and do not meet international standards, he said. For example, multiple teams handled each crime scenes and evidence from different crimes has been stored together, he said. He then stressed the need for international assistance for these 14 investigations, such as the assistance the Dutch are providing in the investigation of Gebran Tueni's assassination.

¶11. (C) More broadly, Brammertz said the international community must take a comprehensive approach to strengthening Lebanon's capacity to respond to future assassinations or terrorist attacks. The enemies of Lebanon will wait to strike until the UNIIIC has concluded its work and the international community's attention has shifted, Brammertz said, so providing assistance now is important to avoid the need to establish another international investigation or tribunal in the future.

BOLTON